



HON. SYLVIA O. HINDS-RADIX
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LAW DEPARTMENT
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March 20, 2024

VIA ECF

Hon. Vernon S. Broderick
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *R.L., et al. v. N.Y.C. Dep't of Educ.*, 23-cv-9898 (VSB)(OTW)

Dear Judge Broderick:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiffs seek solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

Defendant writes to respectfully request a conference on a motion to stay this case, including the upcoming answer filing deadline, for the reasons set forth below. Plaintiff does not consent to this motion, stating that the Law Office Adrienne Arkontaky is not a party to this action. This is the first request to stay this action.

Defendant was recently informed of a charging lien claim from the Law Office of Adrienne Arkontaky (a former Cuddy Law Firm attorney) against the Cuddy Law Firm (Supreme Court of the State of New York, Cayuga County, Index No. E2024-0133). Currently, the hearing on the charging lien is scheduled for April 16, 2024. There are a number of charging liens that will likely affect not only this case, but other cases in the S.D.N.Y. At this point, this matter cannot be settled until this charging lien matter is resolved, which cannot occur until at least the April 16th hearing. Furthermore, there can be no meeting of the minds or an agreement to pay any settlement amount until the lien dispute (to which Defendant is not a party) is resolved, whether by Court order, formal withdrawal, or by a negotiated release.

With that in mind, Defendant respectfully requests that, while the parties continue attempting to negotiate a settlement, the Court issue a stay in this matter until the Cayuga County Supreme Court decides the lien issue. We note that 95% of the IDEA fees-only actions that are filed in this District are settled without burdening the Court with any motion practice or even the

filing of a response to the complaint. The parties are optimistic that this case will take that same course.

For these reasons, Defendant respectfully requests a stay of this case, with a joint status letter due in 30 days, updating the Court on settlement discussions as well as the April 16, 2024 hearing in Cayuga County Supreme Court.

Thank you for considering these requests.

Respectfully submitted,

/s/ Joseph V. Martino


Joseph V. Martino, Esq.

Special Assistant Corporation Counsel

cc: Francesca Antorino, Esq. (via ECF)

APPLICATION GRANTED

SO ORDERED


VERNON S. BRODERICK

U.S.D.J. 3/21/2024

The case is hereby STAYED until the Cayuga County Supreme Court decides the lien issue. The parties are directed to file a joint status letter informing me of the status of the parties' settlement discussions as well as the April 16, 2024 hearing in Cayuga County Supreme Court by no later than April 22, 2024. SO ORDERED.